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William Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Dear Mr. Secretary:

Enclosed are nine copies of my testimony and related documents for the *en banc* hearing on the Children's Television Act, scheduled for Tuesday, June 28, 1994.

Thank you for giving me the opportunity to testify.

Sincerely,

Kathryn C. Montgomery, Ph.D.  
President

KM:pc

Enclosures

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**Testimony of**

**Dr. Kathryn C. Montgomery  
President  
Center for Media Education**

**Before the  
Federal Communications Commission**

***En Banc* Hearing  
on Children's Television (MM Docket No. 93-48)**

**June 28, 1994**

My name is Kathryn Montgomery. I am President and Co-founder of the Center for Media Education. The Center's Campaign for Kids' TV, which was launched in 1991, is carrying on the work of Action for Children's Television. Before coming to Washington, I was a university professor. I have spent more than fifteen years researching, analyzing, and writing about the television industry.

Passage of the Children's Television Act in 1990 followed almost a decade of efforts by Action for Children's Television and a broad coalition of education, child advocacy, and parent organizations. For the last two years, the Center for Media Education has been working closely with many of these same organizations to see that the Children's Television Act has its intended effect of increasing the amount of children's educational and informational programming on broadcast television.

In 1992, we released a report analyzing license renewal applications and found that many stations were simply relabeling cartoons such as *The Jetsons* and *G.I. Joe* as educational -- hardly what the Act intended.

We have just completed a new study that reveals major barriers within the television industry -- institutional, economic, and attitudinal -- to successful implementation of the Children's Television Act. We interviewed producers and distributors of the programs as well as network executives and other experts within the industry -- a total of 50 people, a number of whom requested anonymity. I would like to summarize the findings of our study this morning.

First, we found that most of the programs created in response to the Children's Television Act have been assigned a second-class status in commercial television, reflecting a prevailing attitude that because these shows are required by the FCC, they must be dry and boring, and children won't watch them.

Our investigation revealed clear patterns in the production, scheduling, and promotion of so-called "FCC-friendly" shows.

The most disturbing pattern was that these programs are routinely scheduled in marginal time slots when it is often impossible for children to see them. All producers and distributors that we interviewed reported serious problems with the scheduling of their shows. It is common practice for a station to put its "compliance show" on at 6:00 AM or even 5:00 AM just so it can tell the FCC "it has a show." Network series often find themselves on at 11:00 AM or Noon on Saturdays, when the network or the affiliate stations are more likely to pre-empt them with sports. As a consequence, children are deprived of the opportunity to see the educational programs, and the programs have difficulty building a regular audience.

The ABC series *Citykids* -- created by Henson Productions -- was a casualty of such scheduling. Debuting on the network in fall 1993, the show was shifted around in the schedule and repeatedly pre-empted by college football games. In February, it disappeared from the schedule altogether, officially in "hiatus." Most viewers never knew it existed.

Our study also revealed some very troubling business practices which are making it almost impossible for educational and informational programming to gain entry and survive. As a consequence of the FCC's deregulation of children's television in 1984, most series in today's market are now part of a highly-lucrative merchandising and licensing package, with heavy financial and creative participation by major toy companies that manufacture and market "licensed characters" and other products related to the show. The series are, in effect, advertising vehicles for the licensed products, as many of those we interviewed frankly admitted.

Because toy companies depend on television to market their products, competition for access to the child viewer has become particularly fierce in recent years. As a result, in the syndication market it has become commonplace for these companies to use their substantial resources to strike elaborate deals with stations, especially those in the largest markets. Not only are these programs given free to the stations, but we were told that stations often demand additional payments of a million dollars or more to get a program into the best time slot.

These practices put educational and informational programs at a great disadvantage. They also raise disturbing questions about who is really setting the agenda for what America's children will see over the public airwaves. Predawn scheduling was a death knell for a number of series in our study, which are now off the air.

The children's television marketplace today is not a level playing field for educational and informational entrants. It is because the powerful marketplace forces work against such programming that we need effective public policies to counter them.

Our study confirmed that regulation did have an impact on the market, when broadcasters believed it might be enforced. Many people acknowledged that, though the Children's Television Act took effect in October, 1991, it wasn't until early 1993 in the wake of a national debate and threats of government action that the industry began to respond to the law. And many shows are now on the air that otherwise would not be there. But we were also warned that if the pressure subsided, business would return to normal and the market for education and informational programs would likely dry up.

The current rules for implementing the Children's Television Act, which were issued in 1991, are clearly inadequate. If the Act is going to have a lasting and meaningful impact, the rules will need to be clarified and strengthened. We hope the Federal Communications Commission will adopt the recommendations made by the Center for Media Education and more than a dozen major education and child advocacy groups.

Stations should not be getting credit for token "FCC-friendly" programs that air before 7:00 AM; the definition for what is educational or informational must be clarified; and a processing guideline of an hour a day of educational and informational programming must be instituted to ensure that all children will have access to a diversity of programming designed to meet their needs.

Just as deregulation in the early 80s significantly affected the children's marketplace, the Children's Television Act -- if given more force and clarity -- could alter the current dynamics of that marketplace in a way that will benefit children.



C E N T E R F O R M E D I A E D U C A T I O N

## **THE IMPACT OF THE CHILDREN'S TELEVISION ACT ON THE BROADCAST MARKET**

**By Patricia Aufderheide, Ph.D. and Kathryn Montgomery, Ph.D.**

### **EXECUTIVE SUMMARY**

The study examined the response of the broadcast children's television market to the Children's Television Act. Its purpose was to identify the institutional, economic, and attitudinal barriers to successful implementation of the law's mandate for programming designed to educate and inform children. The research was based primarily on interviews with producers, distributors and network executives involved in the production and distribution of programming deemed by the television industry to qualify under the Act.

The study found discernible patterns in the production, scheduling and promotion of network and syndicated educational and informational programs. Marked by the TV industry as obligatory "FCC-friendly" or "compliance" shows, the programs are generally given budgets substantially lower than other children's programs, inadequately promoted, and shunted into pre-dawn hours when most children cannot see them, or into time slots where they would be routinely pre-empted by sports coverage. The treatment of such programs is particularly harsh in the syndication market. Because of current business practices where entertainment program distributors agree to pay extra money to get their programs into desirable time slots, stations are frequently scheduling so-called "FCC-friendly" programs as early as 5:00 or 5:30 AM. As a consequence, much of the programming created in response to the Children's Television Act has found it almost impossible to gain entry and survive in the marketplace.

The study also found that threats of renewed enforcement of the law had a positive effect on the market, and thus regulation can be a countervailing force to the powerful economic and institutional forces that govern the business. The research suggests that the impact of recent regulatory pressure may be short-lived. To ensure the long-term viability of educational and informational children's programming, the report urges the Federal Communications Commission to adopt clearer and stronger rules implementing the Children's Television Act.



C E N T E R F O R M E D I A E D U C A T I O N

## Biography Kathryn C. Montgomery, Ph.D.

**Kathryn C. Montgomery, Ph.D.** is Co-founder and President of the Center for Media Education, a Washington, D.C.-based public interest organization dedicated to promoting the democratic potential of the electronic media through public education, research, policy analysis, and outreach to the press.

CME is currently coordinating two major projects: The **Future of Media Project** is dedicated to fostering a public interest vision for the information superhighway of the 21st century, and educating the public, the nonprofit community, and the press about the critical public policy choices that will shape the new media system. The **Campaign for Kids' TV** is the designated successor to Action for Children's Television, which closed in 1992. The Campaign is aimed at improving the quality of children's television, educating the public about the Children's Television Act, and empowering parents and educators to deal more effectively with the media.

Dr. Montgomery is a leading expert on television and media, whose book *Target: Prime Time* (Oxford University Press, 1989) is the key work on the relationship between advocacy groups and network entertainment television. Before moving to Washington, she was a professor of film and television at the University of California, Los Angeles. She has consulted with a number of nonprofit organizations and foundations on media issues and strategies for using the media to promote public policy goals. Dr. Montgomery completed a fellowship at the Smithsonian Institution's Woodrow Wilson International Center for Scholars, examining the use of media advocacy techniques by public health and environmental groups.



C E N T E R F O R M E D I A E D U C A T I O N

The **Center for Media Education**, a 501(c)(3) nonprofit organization, was founded in 1991 to promote the democratic potential of the electronic media. The Center's two current projects are the Campaign for Kids' TV, aimed at improving the quality of children's television, and the Future of Media Project, dedicated to fostering a public interest vision for the new media and information superhighway of the 21st century.

The Center carries out its work by organizing and educating consumer groups and nonprofit organizations on issues of public policy and the media; serving as a clearinghouse for reporters and editors; researching and analyzing trends in electronic media; and preparing FCC and FTC filings on behalf of nonprofit organizations.

CME works in concert with such groups as the American Library Association, the National PTA, the Black Child Development Institute, the National Council of La Raza, the National Education Association, and Public Citizen. The Center's work is supported by more than a dozen philanthropic organizations, including the Mary Reynolds Babcock Foundation, the Carnegie Corporation of New York, the John D. and Catherine T. MacArthur Foundation, the Pew Charitable Trusts, and the Rockefeller Family Fund.



# **THE IMPACT OF THE CHILDREN'S TELEVISION ACT ON THE BROADCAST MARKET**

by  
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## The Authors

**Patricia Aufderheide**, Ph.D., is an associate professor in the School of Communication at The American University and has published widely in academic and journalistic venues on the public interest in telecommunications policy. In 1986, Dr. Aufderheide was a policy analyst for the United Church of Christ, Office of Communication. In 1994-1995, she is a Guggenheim fellow.

**Kathryn Montgomery**, Ph.D., is Co-founder and President of the Center for Media Education. Dr. Montgomery is a leading expert on television and media, whose book *Target: Prime Time* (Oxford University Press, 1989) is the key work on the relationship between advocacy groups and network entertainment television.

## EXECUTIVE SUMMARY

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The study also found that threats of renewed enforcement of the law had a positive effect on the market, and thus regulation can be a countervailing force to the powerful economic and institutional forces that govern the business. The research suggests that the impact of recent regulatory pressure may be short-lived. To ensure the long-term viability of educational and informational children's programming, the report urges the Federal Communications Commission to adopt clearer and stronger rules implementing the Children's Television Act.

## THE CHILDREN'S TELEVISION ACT OF 1990: BACKGROUND

Studies have repeatedly documented a persistent failure in the commercial children's television market. A system designed to serve the needs of advertisers will not on its own generate adequate programming to serve the cognitive and emotional needs of children, especially those of discrete developmental age groups (Watkins, 1987; Aufderheide, 1989; Berry & Asamen, 1993).

Over the years, citizen activism and government oversight have helped to temper the forces of the marketplace (Cole & Oettinger, 1978; Liebert and Sprafkin, 1988). In the 70s, responding to Federal Communications Commission (FCC) petitions by Action for Children's Television and other citizen groups, the networks launched a number of television programs designed to educate and inform children -- ranging from weekly news series such as *30 Minutes* on CBS to magazine shows like NBC's *Hot Hero Sandwich*. After the FCC deregulated the TV industry in the early 80s, these programs disappeared from the schedules. In fact, as the children's television business boomed, the amount of educational and informational programming plummeted (Watkins, 365-7; Rushnell, 1990).

Child advocates, parents, and educators fought hard for a legislative remedy. In passing the Children's Television Act of 1990 (P.L. 101-437, Oct. 18, 1990), lawmakers expected to "increase the amount of educational and informational broadcast television programming available to children."<sup>1</sup> The mechanism for enforcement is the requirement that all TV stations must air such programming as a condition of license renewal.<sup>2</sup> However, initial surveys showed that the law -- which took effect in October

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<sup>1</sup>U.S. Rep. No. 227, 101st Cong., 1st Sess. 1 (1989).

<sup>2</sup>P.L. 101-437, Oct. 18, 1990.

1991 -- was having very little impact on the television marketplace. A September 1992 analysis of license renewal applications by the Center for Media Education (CME) and Georgetown University Law Center revealed that television stations had made virtually no changes in their programming practices in response to the new law. Most were claiming educational value for entertainment fare such as *Bucky O'Hare* and *Leave It to Beaver* and routinely scheduling shows they considered educational and informational during pre-dawn hours (Center for Media Education, 1992).<sup>3</sup>

The CME report garnered national publicity and triggered policy debate. The Federal Communications Commission subsequently conducted its own examination of license renewal applications, which confirmed many of the findings of the report. There appeared to be "little change in available programming that addresses the needs of the child audience," the Commission concluded. "The number of hours and time slots devoted to children's programming do not appear to have substantially changed" (FCC, 1993). In February 1993 the commission announced to the press that it was holding up the license renewals of seven TV stations, requesting additional information to document that the stations were complying with the Children's Television Act (Halonen, 1993). On March 2, the FCC issued a Notice of Inquiry, asking whether it should revise implementation rules on the Children's Television Act (FCC, 1993).

At a Congressional oversight hearing on the Children's Television Act the following week, representatives from the broadcasting industry complained of a rush to judgment. "New innovative programming is costly and cannot be created overnight," explained Brooke Sectorsky, Vice President and General Manager of WUAB-TV in Cleveland. Syndicated programming was just becoming available, he noted, and

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<sup>3</sup> A separate analysis of license renewals, conducted by Professor Dale Kunkel at the University of California, Santa Barbara, showed that a fifth of the 48 stations analyzed failed even to claim they were providing any programming specifically designed to meet the educational needs of children, as the law demanded. Of the rest, stations were claiming programs like *The Jetsons* as meeting the mandate. Only 4 produced any local children's programs, and more than half of those claiming to meet the mandate had Saturday programs only. (Kunkel, 1993b)

stations were finally assuming the large risk of producing local programming, but the results were not in yet (Spectorsky, 1993, p.1 and passim).

## STUDY METHOD

More than a year has passed since the hearing. The FCC's Notice of Inquiry is still pending. This study set out to examine what has happened in the period since CME's report was released. Rather than base our findings on the license renewal applications, we chose to take a more direct look this time at the children's television market. This is not an economic analysis, but an investigation based on a series of interviews primarily with people who have attempted to produce and/or distribute programming designed to comply with the new law. The study's purpose was to examine major trends in the market with particular emphasis on the barriers -- economic, institutional, attitudinal -- to successful implementation of the Children's Television Act.

The focus of the examination was on nationally-available series (not specials, interstitials, or local programs) that commercial broadcasters were using in 1993 and early 1994 to meet the requirements of the Act, both in broadcast syndication and on the networks, as self-described by producers and listed in special issues of *Broadcasting & Cable* (July 26, 1993) and *Electronic Media* (June 21, 1993). Producers and distributors of the programs were interviewed, as were executives at all networks, as well as several other experts within the industry. We spoke with some 50 people, mostly by telephone, between December, 1993 and May, 1994. The majority of individuals we approached willingly agreed to be interviewed, though a number of them would do so only if their comments were kept off the record.<sup>4</sup> We supplemented the interviews with data from trade publications and other available public information.

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<sup>4</sup> Since a substantial minority of interviewees spoke off the record, a complete list is not provided here.

Many of the people to whom we spoke expressed deep frustration with their experiences in trying to respond to the mandate of the new law. They collectively described a situation where hopes for creativity and quality were first raised by passage of the Act and then quelled by prevailing attitudes and market conditions. Each had particular complaints, but combined they offer a picture of the problems plaguing the field.

In order to place the findings from our interviews into context, it is important to look briefly at several recent key developments in the children's television marketplace during the past decade.

## CHILDREN AS MARKET

Deregulation of children's television in the early 80s fundamentally changed the dynamics of the children's television broadcast market. When the FCC dropped its ban on program-length commercials for children in 1984, toy manufacturers immediately flooded the marketplace with TV series designed as merchandising vehicles for their toys. Programs based on "licensed characters" boomed, including *G.I. Joe* (Hasbro), *He Man* (Mattel), and *Care Bears* (Kenner) (Kunkel, 1988; Schneider, 1989). Sales of licensed products more than doubled, to \$64.6 billion, between 1983-1989, with the motor being television (Cohen, 1991, 38; McNeal, 1992, 70). Toy industry profits as a whole soared from \$5.3 billion in 1983, when the FCC first announced its intent to deregulate, to \$8.3 billion in 1984, then maintaining that level (Kirk-Karos, 1992, 19). Four-fifths of toy sales now are of licensed products, mostly known from television (Schneider, 1989, p. 115). By 1987, toy manufacturers financed 80 percent of children's programming, most of it animation (Kirk-Karos, 1992, p. 3). Licensing continues to drive children's programming today, with product-related shows accounting for 90 percent of new production (Kline, 139).

The 80s also witnessed a sharp rise in children's programs produced for syndication. Unlike network series, which are distributed as part of a schedule of programs to affiliated stations, syndicated series are sold directly to individual stations or groups of stations. A tiny part of the children's TV market in the 70s, syndication grew phenomenally in the early 80s, fueled by the proliferation of independent stations, the growth in children's ad dollars, and the increasing role of toy companies in the production business. By 1986, the children's broadcast syndication market had become "a thriving, competitive phenomenon with scores of first-run animated shows" (Schneider, p. 186). Because syndicators distribute their programs to network affiliates as well as independent stations, they supply a substantial portion of the children's programming on broadcast television.

The direct spending power of children, almost all of it discretionary, also rose rapidly in the 1980s, increasing by nearly half between 1984 and 1989 (McNeal, 1992, p. 24). Children to age 12 now spend about \$8.6 billion of their own money every year; teenagers spend \$57 billion. The two age groups combined influence how their parents spend another \$132 billion. Kids are one of the "hottest marketing trends of the 90s," a trend expected to continue well into the next decade (Oldenburg, 1993).

These trends have helped trigger a proliferation of media outlets and services aimed at capturing a segment of the "hot" children's market -- from the controversial classroom Channel One to the highly profitable Nickelodeon cable channel to the successful Fox Children's Network, launched in 1990 (Schmuckler, 1994).

Even during recessionary periods, when other parts of the schedule were not doing well, the children's "daypart" remained profitable, increasing by double digits throughout the 80s. Perhaps as much as \$800 million is now spent on TV ads, mostly broadcast rather than cable, targeting kids alone (not families or parents) (Davis, 1994; Elliott, D5; Guber & Berry, p. 131; McClellan, 1993b; McNeal, p. 133).



The high-stakes nature of the children's television market has made it very intense and highly competitive. Most children's programs expecting to make it on television must come in with a pre-sold merchandising deal. As Andy Spitzer, Sales Vice President and Director of US Distribution for Zodiac Entertainment, summed it up: "Children's programming is deal-driven rather than program-driven" (personal communication, March 14, 1994).

The following pages will document that the powerful forces of today's children's television marketplace have created significant obstacles to the production and distribution of educational and informational programming.

## FINDINGS

1. **After the passage of the Children's Television Act, broadcasters did little until citizen activism sparked media coverage and official expressions of concern.**

Though the Children's Television Act took effect in October, 1991, it initially had little impact on practices in the broadcasting industry. Only a handful of new programs -- mostly for the syndication market -- were created in direct response to the new law during its first year of implementation. The broadcast networks made no significant changes in their children's schedules (CME, 1992; FCC, 1993). A major reason for such a weak response was that the Federal Communications Commission implemented the Act in a way that minimized its effectiveness and encouraged broadcasters to consider it lightly. The FCC loosely defined educational and informational programming and made no stipulations on when programming must run or how much programming was necessary to meet the mandate (FCC 1991; FCC 1991b; Kunkel, 1993, 279-286).

Many producers, distributors, and network executives interviewed for this study frankly acknowledged that it was not until early 1993, in the wake of a national debate

and threats of government action that the industry began to respond to the law. As Robby London, Senior Vice President of Creative Affairs at DIC Enterprises, explained: "For the first two years of the Act, buying habits and patterns [at stations and networks] were not really affected. Then when the FCC suddenly decided to crack down, there was suddenly a response from local stations." London noted that his series, *Where on Earth is Carmen Sandiego?* -- based on a computer game and the successful PBS show -- had been in development for years, but "the show did not get on the air until after the Act started to get enforced" (personal communication, Jan. 14, 1994). Other producers who were working with the networks at the time believe that their projects were greenlighted because of renewed attention to the Children's Television Act.

Shortly after the 1993 Congressional hearings, the broadcast networks began announcing new series scheduled for the upcoming Fall which were designed to comply with the law. CBS picked up *Beakman's World*, a live action science program featuring performance artist Paul Zaloom as a zany scientist. The program had been introduced in the syndication market in response to the Children's Television Act and survived the ratings wars in its first season. ABC announced two new educational series: *Citykids*, a live action urban teen drama, which had been in development independently with Henson Productions in conjunction with the Citykids Foundation; and *Cro*, an animated show produced by Children's Television Workshop (CTW) (producers of *Sesame Street* and other PBS programs), about a Cro-Magnon man who works out his problems using scientific principles (McClellan, 1993).

The public debate in early 1993 over the Act also stimulated response from the syndication market. In late January, immediately following the inauguration of President Clinton, public officials both from the legislative and the executive side sent strong warnings of more diligent enforcement to broadcasters at trade conventions such as the Association of Independent Television Stations and at the National Association of Television Producers and Executives (NATPE) meetings (Wharton, 1993; Coe, 1993).

Syndication producers such as *Energy Express*' Creator and Co-Executive Producer Marilyn Preston recalled the "sea change" in broadcasters' attitudes toward informational programming after the NATPE speeches (personal communication, Jan. 6, 1994). Reruns of cable and public television programs such as *Nick News* and *3-2-1-Contact* were snapped up by stations around the country in a hasty effort to protect themselves from possible license renewal challenges (Richard Loomis, personal communication, Jan. 18, 1994; Richard Mann, personal communication, Jan. 11, 1994).

The impact of the regulatory pressure on the market has been well documented in the trade press. *Electronic Media* reported in April 1993 that "Distributors have been quick to get involved with first-run kids educational series since the Federal Communications Commission made it clear it would strictly enforce the Children's Television Act." In announcing its new syndicated series, *Bill Nye the Science Guy*, Rich Frank, President of the Walt Disney Studios, explained to reporters that "With Congress and the FCC putting such incredible pressure on the stations, it forced them to be on the lookout for something (educational) which now makes it possible for the economics to work out" (*Electronic Media*, April 26, 1993). "I doubt, frankly," CTW's Senior Vice President of Programming and Production, Frank Getchell, told *Variety*, "that *3-2-1-Contact* would be going into syndication if there was not this push from the FCC" (*Variety*, November 29, 1993).

A headline in *Broadcasting & Cable* for May 3, 1993 announced: "Stock rises for FCC-friendly kids fare; demand up for suitable children's programming to meet new Federal Communications Commission regulations." The following month *Electronic Media* listed some 77 "FCC-friendly" syndicated programs on the market.

But much of this seeming abundance was illusory. For instance, 15 of the syndicated entries listed in *Electronic Media* were BBC Lionheart offerings, mostly generic family programming, which the company never made an effort to promote (and, incidentally, never received any inquiries about as a result of listing them with *EM*

[personal communication, Beth Clearfield, Jan. 13, 1994]). In several cases, such as action animation series *Exosquad* and *Biker Mice from Mars*, distributors later backed off from FCC-friendly claims. Eight programs were not actually in production or distribution, while eight were only in distribution in cable.

The terms "FCC friendly," "Compliance Show," and "Qualifier" were used repeatedly by those interviewed for this study and could be found in numerous trade publication stories as well as in ads promoting the programs touted as satisfying the requirements of the Children's Television Act. Such terminology appears to suggest that these programs have been reviewed by the Federal Communications Commission and given a kind of Good Housekeeping Seal of Approval, which of course is not the case. A number of people, particularly the producers of such programming, expressed frustration and discouragement at what they viewed as a cynical attitude reflected in the use of such labels. As one producer put it: "When the FCC got tough, suddenly, everybody began looking around for 'qualifiers.' All the stations and networks really want to do is satisfy the legal requirement. Meeting the spirit of the Act is of no concern to them." Echoed another: "They [the stations] were just quickly buying a show so they could say they had a show."

These suspicions seem to us to be well-founded. Indeed, clear patterns in the production, scheduling, and promotion of such programs began to emerge in our investigation.

- 2. There is a prevailing attitude in commercial television that entertainment and education are mutually exclusive and that children will not watch programming which has been designed to educate.**

ABC Children's Entertainment President Jennie Trias recounted a story also told, in slightly different versions, by several other sources. During a focus group with children, she said, a young boy told her, "I go to school Monday through Friday.

Saturday morning is my time" (personal communication, Jan. 21, 1994). Indeed, the story appears to have gained folklore status within the industry. "Let's face it," explained Judy Price, Vice President of Children's Programs and Daytime Specials for CBS, "kids go to school Monday through Friday. On Saturday morning they won't go to school again" (personal communication, March 30, 1994). Syndicator Howard France put it more bluntly: "The FCC is telling you you have to put boring TV on," he complained. "The primary focus has to be educational not entertaining. You know kids, they don't want to go to school all week. If they don't want to watch it, who's gonna make 'em? The government can't pass a law to make people watch shows" (personal communication, Jan. 6, 1994).

Allen Bohbot, President and CEO of Bohbot Communications, Inc. and one of the most powerful distributors of syndicated children's programming, believes that educational and entertaining are flatly incompatible. "Entertaining to me is what is successful with kids, what they like. And I can't find an example of an entertaining, educational show that's been successful, except for the preschool market." His company searched, he said, for an educational/informational program to include in a successful two-hour (four program) Sunday morning block, but could not find one that would succeed. "To put it in to make someone feel good isn't what it's about. You've got to deliver for the long run, so we went for action-oriented."

He believes that programmers are prisoners of an ever-more-uncivil marketplace, responding to an ever-more-brutal society:

People on my side of the desk say, kids go to school 9 to 3, they don't want to be educated when they come home. We keep pushing further and further, with MTV or action--what I call action, what some people call violence--and those are the shows kids watch.

It scares the daylights out of me, not just what gets to the air but what succeeds. I think TV is mirroring what they see in their daily lives, and I think we kid ourselves if we ignore that.  
(Personal communication, March 14, 1994)

Some producers argue that "prosocial" moments or behaviors make a show as educational as entertainment can get. For instance, Elie Dekel, Vice President of Marketing for Saban Entertainment, said, "*Mighty Morphin Power Rangers* is an action-intensive show. But these five teenagers who are superheroes are great role models, and they're doing great things. We're delivering programs that have positive messages" (personal communication, Jan. 7, 1994). At production house Ruby-Spears, President Joe Ruby says he has "put a lot of educational bites" into the popular *Wild West C.O.W.-Boys of Moo Mesa*. "We're basically in the business of doing entertainment," he pointed out. "We're not schoolteachers" (personal communication, Jan. 24, 1994).

Comments such as these reflect a mindset prevalent among many working in commercial television that is itself a barrier to effective implementation of the Children's Television Act. Explained Donna Mitroff, Vice President of Pittsburgh PBS station's QED West in Los Angeles: "We have overentertained children for so long that we have conditioned them to accept painless, mindless entertainment. Those of us who believe that you can entertain and educate have to accept the time it's going to take to move the suppliers, the audience, the funders, and the advertisers" (personal communication Jan. 4, 1994).

There is a notable difference in the attitudes of those who have had considerable experience working in public television. They do not perceive education and entertainment in such dichotomous terms. These people also tended to more clearly specify their learning objectives. According to Marjorie Kalins, Group Vice President, Productions, for CTW, *Cro* is designed to attract children who would not choose to watch science, especially girls. "We're trying to stimulate them," she explained (personal communication, Jan. 10, 1994). *Bill Nye the Science Guy*, first developed by PBS station KCTS in Seattle, is specifically designed to educate fourth graders (9-11 years old), although Disney aims to make it appealing (but probably not educational) to a

broader audience (John Van Camp, Buena Vista, personal communication, Jan. 6, 1994). Similarly, *Where on Earth Is Carmen Sandiego?*, which was adapted from a PBS series, aims to entertain 6-11 year olds, but focuses tightly on 8-10 year olds for its geography lessons (Robby London, personal communication, Jan. 14, 1994).

**3. Production and promotion budgets for so-called "FCC-friendly" programs are often substantially lower than those of most other children's television programming.**

Educational and informational programs are typically low-budget. In the syndication market, many "FCC friendly" series are produced on a shoestring. In 1993, shows such as *Mental Soup*, *What's Up Network*, and *Scratch* were being produced on \$15,000-\$50,000-per-episode budgets (Joe Benty, personal communication, Jan. 10, 1994; Kristi Boyer, personal communication, Jan. 5, 1994; Kent Takano, personal communication, Jan. 4, 1994). *Not Just News*, produced at broadcast station WTTG and carried by the Fox Station Group, had a \$10,000-\$15,000-per-episode budget (Glenn Dyer, personal communication, Jan. 14, 1994).

This is an astonishingly low figure. Action and animation shows, by contrast, typically have budgets that begin in the \$200,000 range. Animated programs range between \$200,000-\$400,000; *Mighty Morphin Power Rangers* is estimated to cost \$350,000-\$400,000 (*Broadcasting*, Mar. 15, 1994). Even *Name Your Adventure*, a reality-based, educational program, has a budget of over \$100,000. (At that, the program has a lower budget than its educationally "softer" companion program, *Saved by the Bell*.) But unlike syndicated programming, *Name Your Adventure* has network backing -- that is, a broadcaster's investment in its success (personal communication, Kerri Friedland, Jan. 10, 1994). Very low budget programs work under a crippling handicap, something the industry acknowledges when networks invest in programs they want to succeed.

Many producers also believe that their series do not have sufficient promotional budgets. Asked about his show's promotion budget, *Peppermint Place's* Host and Co-Producer, Jerry Haynes, cynically replied, "You're kidding" (personal communication, Jan. 4, 1994). Kerri Friedland, Executive Producer of the NBC series *Name Your Adventure*, expressed frustration with both the level of network support and the indifference of journalists who became crucial to success in the absence of adequate publicity and promotion budgets: "I think the network could have promoted it more, and the media could have paid more attention. Children's TV is almost a poor stepchild" (personal communication, Jan. 10, 1994). Turner Broadcasting's Jerry Krieg, Executive Producer of *Real News for Kids*, reported that many stations simply were not willing to promote the series on the air. "Even when we send them a fully made promo, they're not willing to air it," he complained. "But it's a catch 22 because they say it's on at 7:00 AM and it's not worth promoting" (personal communication, March 22, 1994).

Producers of two educational and informational series received public funding to supplement the limited budgets available to them for development, production, and promotion in commercial television. To cover research costs for the first season, *Cro*, the animated Children's Television Workshop series, whose budget is higher than most children's programming, according to producers, was awarded a \$2.5 million grant from the National Science Foundation (Schatz, 1994). The NSF also awarded *Bill Nye the Science Guy* \$1.379 million in 1993, to support production of the science program developed through public television and now part of a Disney program package (KCTS Television). Disney has committed \$3.5 million for 26 episodes of the series, or \$135,000 per half-hour show (*Electronic Media*, April 26, 1993).



**4. There is a consistent pattern of scheduling which routinely places educational and informational programs in marginal time slots.**

All producers and distributors of "FCC-friendly" series reported serious problems with the scheduling of their shows. In fact, this was one of the most frequently mentioned barriers to success cited by interviewees. Several patterns were evident: scheduling the programs during early morning hours -- sometimes as early as 5:00 AM; placing the shows in "pre-emptible" time slots, when stations frequently substituted sports or other programming; and moving the programs around in the schedule, thus making it difficult for viewers to find them.

Stations typically put their educational and informational material into early morning hours on the Saturday schedule when many children--especially the tweens and teens to whom much new programming is addressed--are still sleeping. This pattern was particularly pronounced with syndicated programs, whose distributors found it almost impossible to get a decent time period. For example, with Grove TV's *Edison Twins*, "stations are running the show before the kids are even up," according to Steve Hodder, National Sales Manager for Grove TV (personal communication, Jan. 11, 1994). Richard Loomis, who distributes the Nickelodeon-produced series *Nick News* for broadcast television, told us that in a number of markets, the series is "buried in early morning Saturday and Sunday, 6:00-7:30 AM" (personal communication, Jan. 18, 1994).

An informal analysis of *TV Guide* magazines from the top five television markets last November illustrates how pervasive the scheduling problem is. For example, among the educational and informational series airing between 5:00 and 6:30 AM were: *Energy Express*, *Not Just News*, *Real News for Kids*, *Scratch*, and *Nick News*. A separate analysis of the top 20 TV markets revealed that on weekdays, 44% of all "compliance shows" aired at 6:30 A.M. or earlier; of those 25% were on at either 5:00 or 5:30 A.M. Many producers and distributors were very disheartened by this practice. "We're up